



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

Via U.S. Postal Service and Email

MAY 03 2016

Mr. Glenn D. Kubiak  
Associate Laboratory Director of Operations,  
Chief Operating Officer  
Lawrence Berkeley National Laboratory  
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M/S 50A4112  
Berkeley, California 94720

Mr. Kevin Bazzell  
Federal Project Director  
Lawrence Berkeley National Laboratory  
1 Cyclotron Road  
M/S 90R1023  
Berkeley, California 94720

**Subject: Toxic Substances Control Act Polychlorinated Biphenyls - Lawrence Berkeley National Laboratory PCB Cleanup Application - EPA Approval, 40 CFR 761.61(a)**

Dear Mr. Kubiak and Mr. Bazzell:

We understand that Lawrence Berkeley National Laboratory needs to relocate its ground water treatment system (GWTS) to a different area due to the presence of radiological contamination beneath this system. LBNL's April 27, 2016 letter (attached) sent via email to EPA documents the presence of PCBs in the area to where LBNL will move the GWTS. PCB contamination was found in this area which is beyond the Demolition Phase I Project boundary. Accordingly, before relocating the GWTS, LBNL proposes to characterize and clean up soils impacted by PCBs at the new GWTS location.

We consider LBNL's letter to be the Notification required in 40 CFR 761.61(a). Therefore, EPA is approving LBNL's Notification under that paragraph and with the conditions established below. The risk-based PCB cleanup application submitted by LBNL in February 2016 is in the process to be approved and does not include the area to where the GWTS will be relocated.

EPA is issuing this Approval jointly to LBNL, as the current owner of the property, and U.S. Department of Energy (DOE), as the operator of the LBNL facility. This Approval refers jointly to LBNL and DOE as the "Parties" whom are responsible for implementing this Approval and any future amendments, if necessary. This Approval is effective immediately and does not cover the GWTS or any matters associated with its relocation, except for the PCB characterization and cleanup work being approved here. This Approval does not cover characterization, cleanup, and disposal of radiological waste.

EPA Conditions of Approval of LBNL's PCB Notification

1. Within seven (7) business days after the date of this approval LBNL must submit the information described below.
  - a. Written certification required in 40 CFR 761.61(a)(3)(i)(E), signed by the cleanup party and property owner.
  - b. PCB characterization sampling grid for the area where the GWTS will be relocated together with a table and figures to scale summarizing and depicting sample locations, depth, and identification codes, and number of samples.
  - c. PCB laboratory analytical results.
2. Within three (3) business days after characterization is deemed complete based on acceptable laboratory analytical results, submit the cleanup verification sampling grid together with a table and figure to scale summarizing and depicting sample locations, depth, identification codes, and number of samples.
3. The Subpart N characterization sampling grid needs to be adjusted to a grid size smaller than 100 square feet due to the size of the area to be characterized. Consequently, the Subpart O cleanup verification sampling grid also needs to be adjusted to a size smaller than 25 square feet for the same reasons. If the size of the sampling grid is not adjusted, then the grid size in Subpart N and O must be followed as prescribed. All other Subpart N and Subpart O grid sampling requirements must be followed as prescribed.
4. Cleanup of PCBs in the new location for the GWTS and verification of cleanup completion must follow the requirements in 40 CFR 761.61(a)(6) as prescribed.
5. Decontamination of all equipment and sampling tools must follow of the self- implementing decontamination provisions in 40 CFR 761.79(c)(2). Sampling tools must be decontaminated before each sample is collected.
6. Based on the information provided by LBNL, the soils are a PCB remediation waste. If additional soil characterization samples confirm the soils are still a PCB remediation waste, disposal of that waste must follow the requirements in 40 CFR 761.61(a)(5)(i)(B).
7. If additional soil characterization or cleanup verification samples collected in the new area for the GWTS show the presence of PCB/radioactive waste, disposal of that waste must be consistent with the requirements in 40 CFR 761.50(b)(7). These requirements apply regardless of the PCB concentration in the PCB remediation waste component of the PCB/radioactive waste. The PCB/radioactive waste cannot be comingled with the PCB remediation waste covered in Condition 6.
8. Consistent with 40 CFR 761.61(a)(9), LBNL must submit a cleanup completion report within 45 days after EPA receives and agrees with LBNL's determination that cleanup in the new area for the GWTS is complete. Decontamination records must be kept by the Parties consistent with 40 CFR 761.79(f).

Mr. Kubiak and Mr. Bazzell  
LBNL PCB Notification, 40 CFR 761.61(a)  
EPA Conditional Approval

The Parties must comply with and implement the conditions in this Approval. This Approval does not relieve the Parties and their consultants from complying with other applicable TSCA PCB and Federal regulations, or state and local regulations and permits. Departure from this Approval without prior written permission from EPA may result in revocation of this Approval. Nothing in this Approval bars EPA from imposing penalties for violations of this Approval or for violations of other applicable TSCA PCB requirements or for activities not covered in this Approval.

This Approval does not cover further requirements that may be imposed by state (e.g., DTSC), and county and local regulatory agencies regarding cleanup of PCBs at the Old Town Demolition Phase I Project.

We appreciate the opportunity to being of assistance to LBNL and DOE on PCB matters. Please call Carmen D. Santos, Region 9 PCB Coordinator, if you have any questions concerning this Approval.

Sincerely,



Tom Huetteman, Associate Director  
Land Division

Enclosure (LBNL April 27, 2016 Letter)

Cc: Ron Pauer, LBNL ([rpauer@lbl.gov](mailto:rpauer@lbl.gov))  
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